

September 30, 2020

Police Transparency Listening Session

Good evening, My name is Barbara Fair and I am a resident of West Haven, Ct and I am grateful for the opportunity to speak to this committee about policing in Connecticut and how we can come together to improve relations between communities and the police who vowed to protect and serve them.

I listened to each session and took something from each. Not unexpected was the fact people who live in 90% or higher white communities view their police as guardians, friends, respectful and loved while those in communities of color experienced police almost entirely in contrast.

First allow me to honor those officers who come into this work with a guardian mindset prepared to do everything within their power to protect, to build relationships and to serve the communities in which they are hired. They are an asset to the profession and have earned respect.

Also I want to take time to honor the legislators who bravely fought to bring accountability to the profession by passing legislation which will hold police accountable for actions unbecoming of law enforcement. In doing so the bill will restore public trust and promote transparency as part of policing practices. Senator Winfield when asked why now for pushing this bill stated, "Every tool we have thrown at this system has only continued to maintain it". Let's hope this bill makes a difference.

A bitter debate over Police Accountability legislation created a wedge between legislators on both sides. Legislators who supported the bill were met with threats of boycotting their business and threats were made outside a legislator's home. Some chose not to run for reelection. Senator Duff from Norwalk who said he always supported police throughout his career stated he was followed by 30 officers in an intimidating manner as he walked to his car after a meeting. He made a public statement about the treatment he received and wondered how others are treated who don't have his privilege and voice.

Some say the bill was rushed. I say it was long overdue. Some say it was unnecessary. I say it was very necessary because state sanctioned violence against non-white men, women and children across this state is becoming too commonplace. Some questioned the urgency. I question why it took so long. Some say it was not a perfect bill and yet neither is the Constitution and many of the laws which govern us today yet we continue to be guided by it. We frame it, pass it and when necessary, we amend it.

There are countless problems within police departments across Connecticut. We have officers who are restricted in what duties they can perform because they have been found to be dishonest in writing reports and arresting people. Police departments have what is called a "Brady list" of such officers who have proven to be untrustworthy yet remain on the force.

Many officers who have been involved in fatal and non-fatal shootings across this nation had many civilian complaints and lawsuits against them prior to the shootings. Police unions tend to make every effort to keep these officers on the job and in some cases provide an opportunity for them to resign, securing a pension.

The most contentious part of the legislation was around Qualified Immunity. Officers use Qualified Immunity as a security blanket for when they operate outside the law, abusing and killing with impunity. The Constitution allows this broad range of privilege and protection and as a result officers don't expect to be held liable for anything they do while on duty and so they are quick to shoot as opposed to

deescalating tense situations. The policy provides officers almost absolute immunity. Officer shootings can be justified (as they most often are) simply by officer saying he/she feared for their life even when the person is unarmed and shot in the back. Surprisingly, Justice Clarence Thomas in 2017 argued the immunity was leading to too much latitude for officers to use deadly force. Justice Sonia Sotomayer recently argued the policy provides an “absolute shield for law enforcement”. The fact that the highest court is beginning to challenge the policy indicates Connecticut is on the right path.

One of the many problems with policing today is the value placed on hiring military veterans. The problem with this as a hiring practice is that military people are trained killers and once, they return home the lines can become blurred between military and civilian work. Officers are beginning to behave more like soldiers on the battlefield than guardians in a civilian community. Many who come home from war return with addiction problems, increased suicide and suffer post-traumatic stress syndrome. They are not good candidates for civilian work. Police departments are becoming too militarized as well. We need officers who come into our communities as guardians of the people as opposed to warriors especially when working within communities who already face a great deal of trauma.

Training is important and not for a few days or a week but continual **mandated** training. Know there is no way to train a heart to be compassionate and empathetic. Everyone is not meant to be a police officer. There needs to be a better way to vet candidates because once they get hired it seems impossible to get rid of them even when it's clear they are a huge liability for the department and detriment to communities.

Recommendations:

- (1) Begin with amending the Constitution relative to Qualified Immunity. Too much power breeds absolute power /tyranny. A blank check that allows one almost absolute power without reprisal is a recipe for disaster.
- (2) Language in the bill must be tightened (clearly, narrowly defined). Without it there will be many interpretations of the same law. For example. We can't allow police and their supporters to define “willful, malicious, egregious, intent, reasonable, necessity for deadly force”. Coded language is also problematic such as “Officers cannot search your car without “probable cause”. With that language officers simply use the common, “I smelled marijuana” to search someone's car. How do we eliminate that commonly used lie to profile and illegally search one's car?
- (3) There should be strict discipline for officers who turn off their body cams during any interaction with a civilian. Using the excuse, the camera was inadvertently turned off or battery died is inexcusable.
- (4) Mental wellness must be an annual examine. After every excessive or deadly force there should be a mandated exam as well as drug testing, performed by an independent agency not connected to police.
- (5) Random drug testing should be performed on all staff from top to bottom including testing for steroids and opioid medications which have side effects which include anxiety, paranoia, mood shifts, aggression, symptoms which may explain aggressive and deadly force situations. If one has to take a drug test to be employed at Burger King then why are we not testing officers patrolling our communities with all kinds of weapons and the power to use deadly force.

(6) SRO's in suburban communities are said to be a great experience. Great. Support them. Research has shown definitively that in urban centers SRO's tend to criminalize our children as oppose to being a supportive resource. Parents should have a voice in whether they want police in their schools.

(7) With every settlement made between police and victims of police brutality part of the settlement should require police take responsibility for their behavior under the color of law.

(8) There needs to be a complete and honest overhaul of every level of the criminal justice system if real justice can ever be realized in this state. (prosecutor, parole, probation, family court, corrections etc.)

(9) Another reason the Constitution must be amended came up during the selection of an Inspector General. Per the Constitution the candidate must be a prosecutor. Why not a defense attorney? I see that same factor in the choosing of most judges. Criteria which limits pool of candidates include person must be an employee of Criminal Justice Division and practiced law for certain amount of years. My very first question is why must candidate be a prosecutor when they have such close working relationships with police. They depend on each other to perform their duties. To make that part of the criteria undermines the independence of the position as well as the fact the IG will be under the same entity that has always found police justified in deadly shootings. It tends to maintain the system as it has been operating where police are always justified in excessive and deadly force investigations.

(10) Pedestrian profiling is a major issue in urban centers and needs to be part of Alvin Penn legislation. Departments should be mandated to be in compliance or lose funding from the state.

(11) Chokeholds and knees on people's body restricting individual's ability to breathe should be banned

(12) Duty to intervene is a mandate in policing and corrections is a mandate with serious consequences.

(13) It is imperative that union contracts become more transparent to the public and should be negotiated in a manner that no longer provides protection for officers who abuse their power. Decertification and national registry should also follow officer misconduct. This free reign of government sanctioned violence must end. Remaining employed after one continues to abuse their power must end

(14) Defunding is about reallocating millions in revenue away from policing and instead fund resources within the community (on the front end) so policing is less needed on the back end. Poverty and community neglect breeds crime and violence. Many vulnerable communities have heavy investment in police thus draining resources needed to uplift communities on the front end.

(15) Finally, until America ends what is clearly selectively enforced drug policy many issues surrounding racial injustice in Ct and across this nation will continue.

I want to thank all of you for taking on this task. It's works well overdue. I pray listening sessions and personal testimonies will guide your recommendations. Be bold and courageous when making demands. People most impacted by this unjust and abusive system allowed themselves to be vulnerable for good reason. We don't need a costly study. We know what's been going on around our state. We simply need to do the work to stop the bleeding in our communities. It is clear in some communities the narrative "police come to work every day and risk their lives to protect us" holds true. In other communities, the most vulnerable communities the narrative is not the same. It's in contrast to what suburbanites' experience. All voices should matter even those who wish to maintain the system as is. We look to you

to do what's right for the entire state. Courage is doing what's right instead of what's popular. Thank You.